

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

COSTAR GROUP, INC., COSTAR REALTY
INFORMATION, INC., and LOOPNET, INC.,

Plaintiffs,

v.

XCELIGENT, INC.,

Defendant.

Case No. 4:16-cv-01288-FJG

**JOINT STIPULATION FOR LIFTING OF THE STAY AND
ENTRY OF PROPOSED JUDGMENT**

Plaintiffs and Counterclaim Defendants, CoStar Group, Inc. (“CoStar Group”), and CoStar Realty Information, Inc., (“CoStar Realty,” and together with CoStar Group, “CoStar”¹) and Alfred T. Giuliano, the chapter 7 trustee (the “Trustee” and, together with CoStar, the “Parties”) for the bankruptcy estate (the “Estate”) of Xceligent, Inc. (“Xceligent”), submit this Joint Stipulation for Lifting of the Stay and Entry of Proposed Judgment (the “Joint Stipulation for Proposed Judgment”) and show the Court as follows:

1. The Parties represent to the Court that CoStar and the Trustee, along with relevant insurance companies, have entered into a Global Settlement Agreement entered into as of October 10, 2019 (the “Settlement Agreement”), which includes but is not limited to settlement of all claims and causes of action asserted in the above-captioned action (the

¹ LoopNet, Inc. was also a named plaintiff at the time the Amended Complaint was filed. Since that time, LoopNet, Inc. merged into CoStar Realty, thereby ceasing to being a separate, stand-alone entity.

“Missouri Action”), which settlement includes an agreement between CoStar and the Trustee to the entry of the proposed Judgment and Permanent Injunction attached hereto as Exhibit 1 (the “Proposed Judgment”).

2. The Settlement Agreement has been approved by the United States Bankruptcy Court of the District of Delaware (the “Bankruptcy Court”), the bankruptcy court overseeing Xceligent’s bankruptcy case currently pending in the Bankruptcy Court under Case No. 17-12937 (CSS).
3. The parties respectfully request that this Court lift the stay and enter the Proposed Judgment.

Dated: December 2, 2019

Respectfully submitted,

By: /s/ Nicholas J. Boyle

Robert T. Adams - MO Bar # 34612
Ann M. Songer - MO Bar # 17315
Eric M. Anielak - MO Bar # 45653
SHOOK, HARDY & BACON LLP
2555 Grand Boulevard
Kansas City, MO 64108
Telephone: (816) 474-6550
Fax: (816) 421-5547
eanielak@shb.com

Nicholas J. Boyle (*pro hac vice*)
Carl R. Metz (*pro hac vice*)
C. Bryan Wilson (*pro hac vice*)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
Telephone: (202) 434-5000
Fax: (202) 434-5029
nboyle@wc.com

*Attorneys for Plaintiffs CoStar Group, Inc.
and CoStar Realty Information, Inc.*

By: /s/ Gregory J. Commins, Jr.

Mark X. Lehnardt - MO Bar # 63670
Gregory J. Commins, Jr. (*pro hac vice*)
Baker Hostetler LLP
1050 Connecticut Avenue, N.W.,
Suite 1100
Washington, DC 20036
Telephone: 202-861-1536
Fax: 202-861-1783
gcommins@bakerlaw.com

*Attorneys for Alfred T. Giuliano, in his
capacity as the Chapter 7 trustee for the
bankruptcy estate of Xceligent, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document was filed electronically with the above-captioned Court on this 2d day of December, 2019. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system, and the parties may access this filing through the Court's system.

/s/ Elizabeth A. Fessler
Elizabeth A. Fessler